

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

WILLIE ROBERTS,

Petitioner,

v.

607CV024

FRED BURNETTE,

Respondent.

**ORDER**

28 U.S.C. § 2254 habeas petitioner Willie Roberts appeals (doc. # 18) this Court's Order and Judgment dismissing his petition.<sup>1</sup> Doc. # 11 (Order); # 13 (Judgment). He applies for a Certificate of Appealability (COA), doc. # 17, and moves for leave to appeal *in forma pauperis* (IFP). Doc. # 19. His IFP motion is examined under the pre-PLRA version of 28 U.S.C. § 1915. *Davis v. Fecht*, 150 F.3d 486, 490 (5th Cir. 1998).

Roberts's COA application can be denied if it presents no procedural issue debatable among jurists of reason, *see Henry v. Dep't of Corrections*, 197 F.3d 1361, 1364 (11th Cir. 1999), or otherwise fails to make a substantial showing that he has been denied a constitutional right. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Gordon v. Sec'y Dep't of Corr.*, 479 F.3d 1299, 1300 (11th Cir. 2007); 28 U.S.C. § 2253(c)(2).


In his Report and Recommendation (R&R), the Magistrate Judge (MJ) reviewed each of Roberts's habeas claims and concluded that some (*e.g.*, his evidentiary sufficiency claim) were meritless and others (*i.e.*, his juror-strike and ineffective-assistance claims) were

procedurally defaulted. Doc. # 10.

Roberts presents his disagreement with these rulings in his COA application, doc. # 17, but this constitutes nothing more than re-argument of what he urged in his pre-R&R filings. Nothing there rises to the substantial showing the COA and IFP good-faith criteria demand.

Accordingly, the Court ***DENIES*** Willie Roberts's IFP and COA motions. Doc. ## 17-19.

This 13 day of February, 2008.



B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> See *Totten v. State*, 276 Ga. 199 (2003), *habeas relief denied by Totten v. Meadows*, 2007 WL 628122 (S.D.Ga. 2/26/07) (unpublished).